

HOUSE BILL No. 1327

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-23-12.

Synopsis: Members of the Gary school board. Reduces the number of members of the governing body of the Gary Community School Corporation from seven to five, beginning January 1, 2017. Provides that three members of the governing body are elected by districts by the voters of the respective districts and two members are appointed by the city executive. Provides that each district consists of the territory of two contiguous districts of the city's legislative body. Requires an elected member of the governing body to have been a resident of the district for at least one year before the date the member takes office. Provides that the individuals elected to the governing body at the 2016 general election serve as the three elected members of the governing body, beginning January 1, 2017. Provides that the term of office of each of the individuals elected to the governing body in 2014 and the member elected at large expires January 1, 2017. Requires that the appointed members of the governing body must have knowledge of or experience in and be familiar with issues related to school business, school finance, and school administration. Provides that a member of the governing body vacates the member's office if the member fails to attend four regularly scheduled meetings in any twelve month period, except for chronic illness. (Under current law, the member vacates office if the member misses six regularly scheduled meetings in any twelve month period.) Repeals and provides for expiration of statutes consistent with the new structure of the governing body.

Effective: July 1, 2016.

Brown C

January 12, 2016, read first time and referred to Committee on Education.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1327

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-23-12-3, AS AMENDED BY P.L.179-2011,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 3. (a) The governing body of the school
4 corporation consists of seven (7) members elected as follows:
5 (1) On a nonpartisan basis.
6 (2) In a general election in the county.
7 (b) Six (6) of the members shall be elected from the school districts
8 drawn under section 4 of this chapter. Each member:
9 (1) is elected from the school district in which the member
10 resides; and
11 (2) upon election and in conducting the business of the governing
12 body, represents the interests of the entire school corporation.
13 (c) One (1) of the members elected:
14 (1) is the at-large member of the governing body;
15 (2) may reside in any of the districts drawn under section 4 of this
16 chapter; and
17 (3) upon election and in conducting the business of the governing



body, represents the interests of the entire school corporation.

(d) This section expires January 1, 2017.

SECTION 2. IC 20-23-12-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.1. (a) After December 31, 2016, the governing body of the school corporation consists of five (5) members.**

(b) Three (3) members of the governing body shall be elected as follows:

(1) From districts established under section 4.1 of this chapter.

(2) On a nonpartisan basis.

(c) The city executive shall appoint two (2) individuals to be members of the governing body before each of the member's term of office begins. The members appointed by the executive must have knowledge of or experience in and be familiar with issues related to school business, school finance, and school administration.

(d) The term of office of a member of the governing body (both elected and appointed):

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 3. IC 20-23-12-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.2. (a) The members of the governing body elected under section 3.1 of this chapter shall be elected at the 2016 general election.**

(b) An individual elected under subsection (a):

(1) serves as a member of the governing body under section 3.1 of this chapter beginning January 1, 2017; and

(2) is entitled to serve as a member of the governing body through December 31, 2020.

(c) The successor of an individual described in subsection (b):

(1) shall be elected at the 2020 general election; and

(2) serves a term of four (4) years, beginning January 1, 2021.

(d) Notwithstanding section 8 of this chapter (before its repeal), the term of the following members of the governing body expires January 1, 2017:



(1) Each of the members of the governing body elected from districts at the 2014 general election.

(2) The member of the governing body elected at large.

(e) The city executive shall appoint the members of the governing body under section 3.1(c) of this chapter before January 1, 2017. An individual appointed under this subsection takes office January 1, 2017, and serves a four (4) year term as provided in this chapter. The city executive may appoint an individual:

(1) described in subsection (d); and

(2) who is serving on the governing body before January 1, 2017.

(f) This section expires January 1, 2025.

SECTION 4. IC 20-23-12-4, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The districts are drawn on the same lines as the common council districts referred to in IC 36-4-6-3.

(b) This section expires January 1, 2017.

SECTION 5. IC 20-23-12-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) Except as provided in subsection (b), the governing body member districts for the 2016 and the 2020 election of members of the governing body are as follows:

(1) District 1 consists of common council district 1 and common council district 2, as in effect on January 1, 2016.

(2) District 2 consists of common council district 3 and common council district 4, as in effect on January 1, 2016.

(3) District 3 consists of common council district 5 and common council district 6, as in effect on January 1, 2016.

(b) Whenever the common council draws new districts under IC 36-4-6-3, the ordinance must also provide for establishing the governing body districts. The governing body districts must consist of two (2) common council districts that are contiguous. The governing body districts specified as provided in this subsection are the governing body districts from which the members of the governing body are elected under section 3.1(b) of this chapter, beginning with the first election of governing body members that occurs after the redistricting ordinance is effective.

SECTION 6. IC 20-23-12-5, AS AMENDED BY P.L.1-2006, SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The ~~six (6)~~ **three (3)** members who are elected for a position on the governing body



described under section 3**(b)** 3.1 of this chapter are determined as follows:

(1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following information:

(A) The name of the prospective candidate.

(B) The district in which the prospective candidate resides.

(C) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(D) ~~The fact that the prospective candidate is running for a district position.~~ **The home address of the candidate.**

(E) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the district may vote for a candidate.

(3) The candidate within each district who receives the greatest number of votes in the district is elected.

~~(b)~~ The at-large member elected under section 3(c) of this chapter is determined as follows:

~~(1)~~ Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. ~~The petition must include the following information:~~

~~(A) The name of the prospective candidate.~~

~~(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.~~

~~(C) The fact that the prospective candidate is running for the at-large position on the governing body.~~

~~(D) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter.~~

~~(2) Only eligible voters residing in the school corporation may vote for a candidate.~~

~~(3) The candidate who:~~

~~(A) runs for the at-large position on the governing body; and~~

~~(B) receives the greatest number of votes in the school corporation;~~

~~is elected to the at-large position.~~

SECTION 7. IC 20-23-12-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2016]: Sec. 6. ~~(a)~~ A candidate who runs for a position on the governing body described under section 3~~(b)~~ **3.1** of this chapter must reside in the school corporation district for which the candidate filed **for at least one (1) year before the date the candidate would take office, if elected.**

~~(b) A candidate who runs for the at-large position on the governing body described in section 3(c) of this chapter must reside in the school corporation.~~

SECTION 8. IC 20-23-12-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: ~~(a) The term of each person elected to serve on the governing body is four (4) years.~~

~~(b) The term of each person elected to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 that immediately follows the person's election.~~

SECTION 9. IC 20-23-12-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: The members are elected as follows:

~~(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2016 and every four (4) years thereafter.~~

~~(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2018 and every four (4) years thereafter.~~

~~(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in 2016 and every four (4) years thereafter.~~

SECTION 10. IC 20-23-12-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A vacancy on the governing body is created when:

(1) a member:

(A) dies;

(B) resigns from the governing body;

(C) ceases to be a resident of the school corporation;

(D) fails to attend, except for reason of chronic illness, ~~six (6)~~ **four (4)** regularly scheduled meetings of the governing body in any twelve (12) month period; or

(E) ceases to be a resident of the school district in which the



- 1 member was elected; or
2 (2) a vacancy is created under any other law.
3 (b) The governing body shall temporarily fill a vacancy ~~on~~ **in the**
4 **office of an elected member of** the governing body as soon as
5 practicable after the vacancy occurs.
6 (c) **The city executive shall fill a vacancy in the office of a**
7 **member of the governing body appointed under section 3.1(c) of**
8 **this chapter as soon as practicable after the vacancy occurs.**
9 (d) **An individual filling a vacancy under this section serves until**
10 **the expiration of the term of the member whose position the**
11 **individual fills.**

